

Order

April 7, 2005

125250

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

NICHOLAS JAMES JACKSON,
Defendant-Appellant.

Michigan Supreme Court
Lansing, Michigan

Clifford W. Taylor
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Justices

SC: 125250
COA: 242050
Oakland CC: 2001-177534-FC

On October 7, 2004, the Court heard oral argument on the application for leave to appeal the October 21, 2003 judgment of the Court of Appeals. On order of the Court, the application for leave to appeal is again considered, and it is GRANTED. The parties are directed to include among the issues addressed: (1) whether the admission of the oral and written statements made by Anthony Leroy Hines to the police was error in light of *Crawford v Washington*, 541 US 36; 124 S Ct 1354; 158 L Ed 2d 177 (2004), and, if so, whether *Crawford* should be applied retroactively; (2) whether the trial court erred when it applied the rape-shield statute, MCL 750.520j, and denied defendant an opportunity to present testimony regarding his allegations that the complainant had made a prior false allegation of sexual abuse against a different individual. See *People v Hackett*, 421 Mich 338 (1984); (3) whether alleged prior false allegations constitute "specific instances of the victim's sexual conduct" as contemplated by the rape-shield statute; (4) what procedural and evidentiary requirements must be met to prove that the allegations are false and for their admission as evidence at trial; and (5) if the trial court did err in excluding or admitting evidence, whether any evidentiary or constitutional errors were harmless. See *People v Carines*, 460 Mich 750 (1999).

The Criminal Defense Attorneys of Michigan and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the questions presented in this case may move the Court for permission to file briefs amicus curiae.

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I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 7, 2005 Corbin R. Davis
Clerk